

**Remarks/Arguments**

Reconsideration of this application is requested.

**Claim Status**

Claims 1-8 were presented. Claims 1, 2, 7 and 8 are amended. New claim 9 is added. Claims 1-9 are now pending.

**Claim Rejections – 35 USC 112**

Claims 2, 3, 7, 8/2 and 8/3 are rejected under 35 USC 112, second paragraph, as indefinite. In claim 2, the Action asserts that “from laterally” is grammatically incorrect. In response, the phrase is amended to “from a lateral direction”, which is grammatically correct and in compliance with 35 USC 112. In claim 7, the Action asserts that “the rear mount” lacks antecedent basis. In response, the phrase is amended to “a rear mount by which the rear portions of the glove bars are mounted to a vehicle body from above”.

In view of these amendments, the rejections of claims 2, 3, 7, 8/2, 8/3 and 8/7 under 35 USC 112, second paragraph, should be withdrawn.

**Allowable Subject Matter**

The allowance of claims 6 and 8/6 is noted and appreciated. Claims 2, 3, 8/2 and 8/3 are indicated as allowable if rewritten in independent form and to overcome the rejections under 35 USC 112, second paragraph. Accordingly, claim 2 is rewritten in independent form. Moreover, as discussed above, claim 2 has been amended to overcome the rejections under 35 USC 112, second paragraph. Therefore, claim 2 is now in condition for allowance. Claims 3, 8/2 and 8/3 depend from claim 2 and are similarly allowable.

Claim 8 is amended to depend only from allowed/allowable claims 2, 3 and 6, and thus is in condition for allowance. A new claim 9 is added and is the same as claim 8, but depends from claims 1, 4, 5 and 7.

**Claim Rejections – 35 USC 102**

Claims 1 and 4 are rejected under 35 USC 102(b) as anticipated by Gotoh. In response, applicant traverses the rejections, and amends claim 1 to more clearly distinguish over Gotoh.

In particular, claim 1 is amended to clarify that the seat is an element of the motorcycle that is fixed to the body frame, and that the seat cowl is a separate element provided separately from and rearwardly of the seat. That is, as described in applicant's specification, seat 13 is fixed to seat rails 15 which form the rear portion of body frame 8. Seat cowl 24 is provided separately from seat 13 and is unitarily formed with glove bar 2. Seat cowl 24 is fixed to body frame 8 in such a manner that front mount brackets 28 and rear mount brackets 29, both of which are a part of seat cowl 24 that is integral with glove bar 2, are mounted to seat rails 15.

Gotoh does not disclose such a structure. Instead, as shown in Gotoh's FIG. 3, a rear seat 29 is unified with an upper cowl section 20 of seat cowl 19. This is in contrast to amended claim 1, which recites that the seat is fixed to the body frame and is provided separately from the seat cowl. Accordingly, since Gotoh does not disclose each and every element of claim 1, it cannot anticipate claim 1 or claim 4 dependent thereon.

### **Claim Rejections – 35 USC 103**

Claims 5 and 7 are rejected under 35 USC 103(a) as obvious over Gotoh in view of Galbraith (US 6,840,344). Claims 8/1 and 8/4 are rejected as obvious over Gotoh in view of Hanagan (US 3,927,727). Claims 8/5 and 8/7 are rejected as obvious over Gotoh in view of Galbraith and Hanagan. In response, applicant traverses the rejections.

Claims 5 and 7, and claims 8/1, 8/4; 8/5 and 8/7 (now claims 9/1, 9/4, 9/5 and 9/7) depend from claim 1 and are allowable for the same reasons as claim 1. In this regard, Galbraith, which is cited for its relevance to vertical ribs for stiffening a rear cowl, and Hanagan, which is cited for its relevance to a rear motorcycle cowl with glass fiber reinforced plastic, do not remedy the deficiencies of Gotoh discussed

Appl. No. 10/554,257  
Amdt. dated October 29, 2008  
Reply to Office Action of August 22, 2008

Atty. Ref. 89277.0073  
Customer No. 26021

above with respect to claim 1. Accordingly, the rejections under 35 USC 103(a) of claims 5, 7, 8/1, 8/4, 8/5 and 8/7 should be withdrawn.

### Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: October 29, 2008

By:

  
Troy M. Schmelzer  
Registration No. 36,667  
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400  
Los Angeles, California 90067  
Phone: 310-785-4600  
Fax: 310-785-4601